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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/650,073	08/29/2000	Edward A. Jakush	CFT-006COA	9189

28661 7590 04/06/2007
SIERRA PATENT GROUP, LTD.
1657 Hwy 395, Suite 202
Minden, NV 89423

EXAMINER

TOOMER, CEPHIA D

ART UNIT	PAPER NUMBER
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1714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/650,073

Applicant(s)

JAKUSH ET AL.

Examiner

Cephia D. Toomer

Art Unit

1714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13-15, 17, 18, 20-34, 36 and 39-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-15, 17, 18, 20-34, 36 and 39-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office action in response to the amendment filed January 19, 2007 in which claims 1 and 20 were amended.

1. The prior art rejection is withdrawn in view of the amendment to the claims and Applicant's arguments.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-11, 13-15, 17, 18, 20-34, 36 and 39-45 and those claims dependent upon these claims are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is rejected because the language "said coupling agent is a one" should read – said coupling agent is--. There is no antecedent support in the claim for "the Diels-Alder adducts". This claim language should be replaced with the – a di-acid of a Diels-Alder adduct of unsaturated fatty acids and a tri-acid of a Diels-Alder adduct of unsaturated fatty acids--.

Claim 9 is rejected because claim 8 has already set forth that the block copolymer is an ethylene oxide/propylene oxide copolymer. Furthermore, what constitutes an ethylene oxide block copolymer and a propylene oxide block copolymer. What is the second monomer for each oxide?

Claims 10 and 31 are rejected because "octyl phenoxyethoxyethanol" is not a block copolymer.

Claim 13 is rejected because there is no antecedent support in claim 1 for a "primary emulsifier". Also, "polymer" should read --copolymer--.

In claim 14, "diethanolamid" should read --diethanolamide--.

Claim 15 is rejected because claim 13 has already set forth that the block copolymer is an EO/PO block copolymer.

Claim 17 is rejected because claim 1 recites that the coupling agent is a salt of the adducts and not a di-acid of the adducts.

Claim 18 is rejected because claim 1 recites that the coupling agent is a salt of the adducts and not a tri-acid of the adducts.

Claim 20 should be amended as follows: "primary surfactant" should read -- a primary surfactant--; "block copolymer" should read --a block copolymer--; "is a one" should read --is --; "a di-acid of the Diels-Alder adducts of unsaturated fatty acids and a tri-acid of the Diels-Alder adducts of unsaturated fatty acids" should read -- a di-acid of a Diels-Alder adduct of unsaturated fatty acids and a tri-acid of a Diels-Alder adduct of unsaturated fatty acid --.

Claim 29 and 30 are rejected because in the absence of an additional monomer, it is not clear what constitutes an ethylene oxide block copolymer or a propylene oxide block copolymer.

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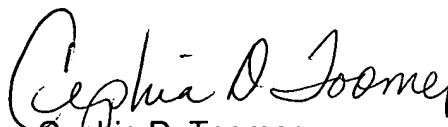
Claims 32-34 and 36 are rejected because claim 20 has already set forth that the copolymer acts as a surfactant stabilizer. Therefore, it is not clear how the recited compounds are also the surfactant stabilizer.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cephia D. Toomer whose telephone number is 571-272-1126. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 571-272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Cephia D. Toomer
Primary Examiner
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